

Docket No. F-6861

Ser. No. 09/779,412

**REMARKS**

Claims 1, 2, 6-8, 12-14, 18-20 are now in this application. Claims 1-20 are rejected. Claims 3-5, 9-11, and 15-17 are cancelled herein. Claims 1, 7 and 13 are amended herein to clarify the invention and to address matters of form unrelated to substantive patentability issues.

Claim 1 is objected to for a misspelling and is now amended to correct the misspelling. Withdrawal of the objection is requested.

Claims 1, 2, 6-8, 12-14, 18 and 20 are rejected under 35 U.S.C. § 102(b) as being anticipated by the JP 08-243254 ('254) reference. Claims 3-5, 9-11, and 15-17 are rejected as anticipated by the '254 reference or obvious over the '254 reference in view of the JP 07-222867 reference under 35 U.S.C. § 103(a). The applicant herein respectfully traverses these rejections.

"Under 35 U.S.C. §102, anticipation requires that each and every element of the claimed invention be disclosed in the prior art reference. ... In addition, the prior art reference must be enabling; thus placing the allegedly disclosed matter in the possession of the public." *Akzo N.V. v. U.S. International Trade Commission*, 1 USPQ 2d 1241, 1245 (Fed. Cir. 1986), *cert. denied*, 482 U.S. 909 (1987). "To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves

Docket No. F-6861

Ser. No. 09/779,412

or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on the applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)." MPEP §706.02(j) "Contents of a 35 U.S.C. §103 Rejection". It is respectfully submitted that the cited references fail to disclose at least the following features and elements of the present invention.

Independent claims 1, 7 and 13 are now amended to relate the feature of the damping factor being associated with an event place and being select based upon the association with the event place. The feature permits the echo produced to be customized according to the event place in which the event is taking place. For example, the echo in a gymnasium will be of greater amplitude than the echo in a large stadium. Accordingly, the damping factor will be greater for a stadium than for a gymnasium. This feature provides for greater reality in that the echo will change dependent upon where a particular event is taking place.

Thus, it is respectfully submitted that the rejected claims are not obvious or anticipated in view of the cited references for the reasons stated above.

Docket No. F-6861

Ser. No. 09/779,412

Reconsideration of the rejections of claims 1-20 and their allowance are respectfully requested.

Applicant respectfully requests a two month extension of time for responding to the Office Action. Please charge the fee of \$420.00 for the extension of time to Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited. Please charge any deficiency or credit any overpayment to Deposit Account No. 10-1250.

Respectfully submitted,  
JORDAN AND HAMBURG LLP

By Frank J. Jordan  
Frank J. Jordan  
Reg. No. 20,456  
Attorney for Applicants

by and,

By Herbert F. Ruschmann  
Herbert F. Ruschmann  
Reg. No. 35,341  
Attorney for Applicants

Jordan and Hamburg LLP  
122 East 42nd Street  
New York, New York 10168  
(212) 986-2340